

OCT. 10. 2006 3:04PM
TO: USPTO

ZILKA-KOTAB, PC

NO. 4342 P. 1

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OCT 10 2006

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SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-4660

FAX COVER SHEET

Date: October 10. 2006	Phone Number	Fax Number
To: Petition Division, USPTO		(571) 273-8300
From: Kevin J. Zilka		

Docket No.: NA11P460/01.045.01

App. No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 13

Message:

Please deliver to the Petition Division.

Thank you,

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

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October 10 2006

OCT 10 2006

Practitioner's Docket No. NAIIP460/01.045.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ivan Teblyashkin et al.

Application No.: 09/963,659

Group No.: 2137

Filed: 09/27/2001

Examiner: Schubert, K.

For: COMPUTER VIRUS DETECTION

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
— under 37 CFR § 1.181(a)

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Issue Fee and Publication Fee were timely filed in the above-identified application.
2. I hereby state:
 - (a) The payment of the Issue Fee and the Publication Fee were authorized to be charged to our deposit account on June 28, 2006 as shown on the Part B- Fee(s) Transmittal.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

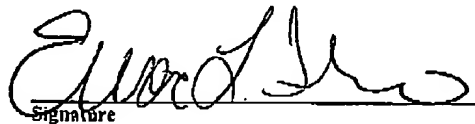
37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.


SignatureDate: 10/10/2006

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(j). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition to Withdraw Holding of Abandonment --page 1 of 2

OCT. 10. 2006 3:05PM

ZILKA-KOTAB, PC

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NO. 4342 P. 3

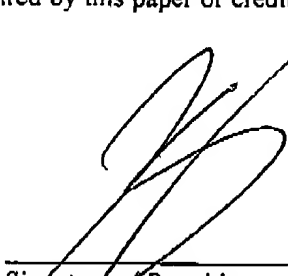
OCT 10 2006

3. I attach a copy of the Issue Fee Payment Transmittal showing that the fees in question were enclosed in section 4a, and the Director was authorized to charge the required fee(s) to our deposit account in section 4b. The Issue Fee Transmittal was submitted in duplicate for billing purposes.
4. A copy of the Notice of Abandonment is also enclosed.
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. We believe no fee is due in connection with the filing of this petition. However, should such a fee be deemed necessary, authorization is hereby made to charge the amount required for this petition to Deposit Account No. 50-1351 (Order No. NA11P460).

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Petition to Withdraw Holding of Abandonment --page 2 of 2

OCT 10 2006



Practitioner's Docket No. NAI1P460/01.045.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ivan Teblyashkin et al.

Application No.: 09/963,659

Group No.: 2137

Filed: 09/27/2001

Examiner: Schubert, K.

For: COMPUTER VIRUS DETECTION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
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— under 37 CFR § 1.181(a)

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Signature

Date

10/10/2006

Erica L. Farlow

(type or print name of person certifying)


* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA



OCT. 10. 2006 3:05PM

ZILKA-KOTAB, PC

NO. 4342 P. 6

Auto-Reply Facsimile Transmission **COPY**

TO: Fax Sender at 4089714660

Fax Information

Date Received:

Total Pages:

6/28/2006 4:33:46 PM [Eastern Daylight Time]
3 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

JUN 28 2006 1:04PM ZILKA-KOTAB, PC		NO. 3397 P. 1
TO: ISSUE FEES		
ZILKA-KOTAB PC ZILKA, KOTAB & PIERCE		
100 PARK CENTER PLAZA, SUITE 300 SAN JOSE, CA 95128		TELEPHONE (408) 971-2573 FAX (408) 971-4660
FAX COVER SHEET		
Date: June 28, 2006	Phone Number	Fax Number
To: Issue Fee Division, USPTO	(711) 273-2863	
From: Kevin J. Zilka		
Docket No.: NAJ1P46Q01.045.01	App. No: 09/963,659	
Total Number of Pages Being Transmitted, Including Cover Sheet: 03		
Message: Please deliver to the Issue Fee Division. Thank you, Kevin J. Zilka		
<input type="checkbox"/> Original to follow Via Registered Mail <input checked="" type="checkbox"/> Original will Not be Sent <input type="checkbox"/> Original will follow Via Overnight Courier		
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PAGE 10 * RCVD AT 6/28/2006 1:04:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-3/1 * DNIS:2732863 * CSID:4089714660 * DURATION (mm-ss):04-02		

OCT. 10. 2006 3:06PM* COI ZILKA-KOTAB, PC CONSULT REPORT (JUN. 28. 2006 1:45PM , * * * P. 7

FAX HEADER 1: ZILKA-KOTAB, PC
FAX HEADER 2:

TRANSMITTED/STORED : JUN. 28. 2006 1:44PM
LE MODE OPTION

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RESULT

PAGE

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3/3

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
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100 PARK CENTER PLAZA, SUITE 300
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-4660

FAX COVER SHEET

Date: June 28, 2006	Phone Number	Fax Number
To: Issue Fee Division, USPTO		(571) 273-2885
From: Kevin J. Zilka		

Docket No.: NAI1P460/01.045.01

App. No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 03

Message:

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Thank you,

Kevin J. Zilka

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ZILKA, KOTAB & PEECETM**RECEIVED**
CENTRAL FAX CENTER**OCT 10 2006**100 PARK CENTER PLAZA, SUITE 300
SAN JOSE, CA 95113TELEPHONE (408) 971-2573
FAX (408) 971-4660**FAX COVER SHEET**

Date: June 28, 2006	Phone Number	Fax Number
To: Issue Fee Division, USPTO		(571) 273-2885
From: Kevin J. Zilka		

Docket No.: NAI1P460/01.045.01

App. No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 03

Message:

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Thank you,

Kevin J. Zilka

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AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

June 27, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 108
Alexandria, Virginia 22311-1450
www.uspto.gov

COPY

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,659	09/27/2001	Ivan Teblyashkin	01.045.01	9245
7590 09/28/2006				
Zilka-Kotab, PC				
P.O. Box 721120				
San Jose, CA 95172-1120				
EXAMINER				
SCHUBERT, KEVIN R				
ART UNIT		PAPER NUMBER		
2137				

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.		Applicant(s)	
	09/963,659		TEBLYASHKIN	
	Examiner		Art Unit	
	SHUBERT		2137	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☒ The submitted fee of \$300 is insufficient. A balance of \$1400 is due.
The issue fee required by 37 CFR 1.18 is \$1400. The publication fee, if required by 37 CFR 1.18(d), is \$300.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Attachment to Notice of Abandonment

**For questions concerning the notice contact
Office of Patent Publication**

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. **Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

2. **Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

3. **Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

Revised Sept. 2006